

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Council Chambers – 3300 Newport Boulevard
Wednesday, August 15, 2012
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Gregg Ramirez, Senior Planner
Kay Sims, Assistant Planner

B. MINUTES of July 25, 2012

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 Park Stone Kitchen + Taps Minor Use Permit No. UP2012-014 (PA2012-082)
5180 Birch Street CD 3

Gregg Ramirez, Senior Planner, gave a brief overview of the application for a minor use permit to allow a Type 47 (On- Sale General) ABC license in conjunction with an eating and drinking establishment with no late hours. He explained that the Burger King would be renovated into a sit down restaurant, that all code required parking is provided and that the hours of operation would be 6:00 a.m. to 11:00 p.m., daily. He also noted that staff received the final Police Department recommendation and alcohol related statistics reports and that those reports did not result in any changes to the recommended draft resolution for approval.

The Zoning Administrator asked the applicant if they had anything to add and if they understood and accepted the conditions of approval.

The Zoning Administrator requested that staff clarify the language in the title of the resolution be changed to indicate that the requested ABC license is a Type 47, On-Sale General.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

Zoning Administrator Wisneski added a condition of approval requiring that prior to the issuance of the certificate of occupancy the landscaping be inspected by the Planning Division to confirm that it was installed in accordance with the approved plan. The Zoning Administrator approved the application and adopted the resolution stating that she agreed with the facts in support of the findings in the draft resolution.

Action: Approved as modified

ITEM NO. 2 Johnston Residence Addition - Modification Permit No. MD2012-013 (PA2012-083)
324 Morning Canyon Road CD 6

Kay Sims, Assistant Planner, gave a brief overview of the application for a modification permit to allow a 34 percent addition (1,170 square feet) to an existing 3,461 square foot, nonconforming single-unit residence. The Zoning Code limits additions to 10 percent of the existing floor area of the structure because the interior dimensions of the existing two-car garage (19 feet 3 ½ inches deep by 19 feet 5 inches wide) are less than the minimum required by Code (20 feet by 20 feet). The proposed addition complies with all other development standards.

The Zoning Administrator asked the applicant if they had anything to add and if they understood and accepted the conditions of approval.

The Zoning Administrator opened the public hearing. Mr. Phillip Case, a neighbor, presented a letter in opposition to the project and requested that there be a continuance of the item. He stated that because he had not had an opportunity to view the proposed plans and how the project might affect his view, he was opposed to everything.

The Zoning Administrator explained the noticing process and that there was an opportunity to view the plans here in the Planning Division and online. She also explained the project and the findings that are required to be considered to make a decision; and that the City does not regulate private views.

The Zoning Administrator asked the architect to discuss the reasons why the project could not comply with the requirements of the Zoning Code for garage size. The architect explained the constraints of the existing home that prevented compliance with the code for the depth of the garage and the reasons that compliance would require a significant increase in the scope of work.

The owner of the property stated that the plans will require approval by the HOA and could be changed due to their requirements. The plans will be available for viewing when submitted for HOA review.

Mr. Case spoke again and stated he had concerns regarding the verbiage related to "issue preclusion" stated in the public notice and not seeing the plans. He also stated that he did not feel the modification permit should be approved, but was willing to discuss the plans and project with the applicant.

The Zoning Administrator recommended that Mr. Case address his concerns related to the view through the HOA and explained that a three car garage is not a requirement in the Zoning Code for the property. She also explained that the applicant's garage size complied with the previous code and that the new code was adopted in 2010. She explained the review and the appeal process.

There were no other public comments.

Zoning Administrator Wisneski then approved the application and adopted the resolution stating that she agreed with the facts in support of the findings and the conditions of approval stated in the draft resolution.

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

The hearing was adjourned at 3:57 p.m.

The agenda for the Regular Hearing was posted on August 9, 2012, at 2:04 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on August 9, 2012, at 5:00 p.m.

Brenda Wisneski, AICP, Zoning Administrator